

Message Text

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ACTION EUR-12

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E.O. 11652: N.A.
TAGS: PINT, SP
SUBJECT: MUNICIPAL ELECTION LAW PASSES LOWER HOUSE

REF: MADRID 2544; 2436

1. SUMMARY: THE CONGRESS OF DEPUTIES, IN A MARATHON
18-HOUR SESSION WHICH RAN FROM 10:00 AM MARCH 9 UNTIL
AFTER 4:00 AM MARCH 10, APPROVED THE MUCH-DEBATED
MUNICIPAL ELECTION LAW. THE BILL NOW GOES TO THE
SENATE, WHERE IT CAN BE DELAYED BUT IS UNLIKELY TO
UNDERGO ANY SUBSTANTIVE CHANGES. END SUMMARY.

2. THE LAW, WHICH IS BASED ON THE D'HONDT PROPORTIONAL
REPRESENTATION SYSTEM, REMAINED BASICALLY AS IT WAS
REPORTED OUT OF COMMITTEE (OFFICIAL TEXT WILL BE
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POUCHED WHEN PROMULGATED). AN ATTEMPT BY THE PCE TO
SEEK APPROVAL FOR AN AMENDMENT OF THE WHOLE WAS TURNED
BACK EASILY. UCD, SUPPORTED BY AP, THEN DEFEATED A
PSOE-BACKED AMENDMENT PROVIDING FOR CONVOCAION OF
MUNICIPALS WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THE
LAW. AS A RESULT, THE LAW PROVIDES NO FIXED TIME FRAME
FOR THE CONVOCAION OR HOLDING OF MUNICIPAL ELECTIONS.

BUT INTERIOR MINISTER MARTIN VILLA, AFTER MUCH CORRIDOR NEGOTIATING, FORMALLY ANNOUNCED TO THE PLENARY THAT THE GOVT COMMITTED ITSELF TO CONVOKE MUNICIPALS WITHIN 30 DAYS OF APPROVAL OF THE CONSTITUTION IN REFERENDUM.

3. AS PREDICTED, UCD AND THE PSOE WERE IN BASIC AGREEMENT ON THE REST OF THE LAW. THE ONE SURPRISE -- AND THE ONLY IMPORTANT CHANGE IN THE BILL WROUGHT ON THE FLOOR -- WAS UCD AND PSOE AGREEMENT TO A PCE AMENDMENT WHICH ALTERS THE PROVISION FOR NAMING OF MAYORS. IN THE DRAFT LAW, THE CANDIDATE HEADING THE MUNICIPAL LIST WINNING THE MOST VOTES WAS AUTOMATICALLY NAMED MAYOR. AS AMENDED, THE LAW NOW PROVIDES THAT THE HEAD OF ANY LIST FROM WHICH A CITY COUNCILMAN IS ELECTED CAN PRESENT HIMSELF AS A MAYORAL CANDIDATE, WITH THE VOTE OF THE ELECTED COUNCILMEN DECIDING THE WINNER. HOWEVER, IF NO SINGLE CANDIDATE WINS A MAJORITY OF THE VOTES, THE CANDIDATE HEADING THE LIST WHICH OBTAINED THE MOST VOTES IN THE ELECTION IS AUTOMATICALLY NAMED MAYOR.

4. COMMENT: THE OMISSION OF ANY TIME FRAME FROM THE LAW, COMBINED WITH MARTIN VILLA'S ANNOUNCED COMMITMENT, SERVES A NUMBER OF PURPOSES FROM THE GOVT'S POINT OF VIEW. BY RELATING CONVOCAION TO APPROVAL OF THE CONSTITUTION, RATHER THAN THE ELECTION LAW ITSELF, IT ENSURES THAT MUNICIPALS WILL NOT INTERFERE WITH THE CONSTITUTION-LIMITED OFFICIAL USE

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DRAFTING PROCESS AND ENCOURAGES THE LEFT TO DEAL EXPEDITIOUSLY WITH PENDING CONSTITUTIONAL ISSUES. AT THE SAME TIME, THIS COMMITMENT DOES NOT NECESSARILY RULE OUT THE HOLDING OF PARLIAMENTARY ELECTIONS BEFORE OR AT THE SAME TIME AS MUNICIPALS. MOREOVER, ALTHOUGH BOTH OBSERVERS AND PARTICIPANTS HERE TEND TO THINK IN TERMS OF CONVOCAION TRIGGERING ELECTIONS WITHIN ABOUT TWO MONTHS, THE GOVT HAS LEFT THIS QUESTION OPEN, OBVIOUSLY TO BE NEGOTIATED. IN ANY CASE THE LAW, AS APPROVED, POINTS TO THE HOLDING OF MUNICIPALS NO EARLIER THAN LATE SUMMER OR, PROBABLY MORE LIKELY, THE FALL.

5. UCD AND PSOE ACQUIESCENCE IN THE PCE AMENDMENT TO THE PROVISIONS FOR ELECTION OF MAYORS INDICATES THAT THE RUCKUS THE COMMUNISTS AND OTHER MINORITY PARTIES HAVE RAISED ABOUT THE "ANTI-DEMOCRATIC" NATURE OF THE ORIGINAL MECHANISM HAS HAD SOME EFFECT. THE PSOE'S QUICK SUPPORT FOR THE AMENDMENT ON THE FLOOR TESTIFIES TO THE HEAT THE SOCIALISTS APPARENTLY HAVE FELT FROM THE PCE OFFENSIVE. THE EFFECT OF THIS CHANGE MAY WELL BE TO GIVE THE COMMUNISTS AND OTHER MINORITY PARTIES AN ARBITER'S ROLE IN THOSE MUNICIPALITIES, PARTICULARLY THE

LARGER CITIES, WHERE NEITHER UCD NOR THE PSOE PROBABLY
WILL WIN A MAJORITY OF THE SEATS BY THEMSELVES. THE PCE
HAS PROVED QUITE TRANSACTIONAL IN ITS APPROACH TO SIMILAR
ISSUES, SUCH AS ELECTIONS AND VOTES IN PARLIAMENT AND IN
VARIOUS REGIONAL ORGANISMS, AND UCD PROBABLY BELIEVES,
WITH REASON, THAT THE COMMUNISTS AND MOST OF THE REGIONAL
PARTIES WOULD OFTEN BE AT LEAST AS WILLING TO SUPPORT A
UCD CANDIDATE AS THEY WOULD A PSOE HOPEFUL. STABLER

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